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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 HENRY JAMES,

10 Plaintiff,

11 v.

12 FPI MANAGEMENT, INC., et al.,

13 Defendants.

CASE NO. C18-998 RSM

ORDER GRANTING PLAINTIFF'S  
MOTION FOR EXTENSION OF TIME TO  
SERVE SUMMONS AND COMPLAINT

14 This matter comes before the Court on Plaintiff's Motion for Extension of Time to Serve  
15 Summons and Complaint. Dkt. #31. For the reasons below, the Court grants the Motion.

16 The action was filed on July 9, 2018, requiring service by October 8, 2018. Dkt. #5; Fed.  
17 R. Civ. P. 4(m). In his Motion, Plaintiff indicates that he attempted to serve Defendants Brannen  
18 Francisco, Michael Chin, and Patricia Lally on September 10 and 11, 2018. Dkt. #31. On  
19 November 29, 2018, Plaintiff filed a Motion for Default Judgment as to Defendants Chin and  
20 Lally. Dkt. #29. The Court struck that motion as procedurally improper and noted that Plaintiff  
21 had not provided proof of proper service as to Defendants Chin and Lally. Dkt. #30. Plaintiff  
22 then filed this Motion seeking an extension to allow proper service on Defendants. Dkt. #31.

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24 Federal Rule of Civil Procedure 4 requires that a defendant must be served "within 90  
25 days after the complaint is filed . . . . But if the plaintiff shows good cause for the failure, the  
26 court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

1 Here, Plaintiff's Motion does not demonstrate continued efforts to serve Defendants past  
2 the initial attempts on September 10 and 11, 2018. However, Plaintiff is proceeding *pro se* and  
3 is afforded considerable leeway in establishing good cause. *See McGuckin v. Smith*, 974 F.2d  
4 1050, 1058 (9th Cir. 1992), *overruled on other grounds by WMX Technologies, Inc. v. Miller*,  
5 104 F.3d 1133 (9th Cir. 1997) (en banc). Further, the procedural posture of the case makes clear  
6 that Plaintiff was unaware that service was deficient and timely filed this Motion upon being  
7 alerted to the issue.

8 Accordingly, the Court finds and ORDERS that:

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- 10 1. Good cause exists for an extension of time for service of process.
  - 11 2. Plaintiff's Motion for Extension of Time to Serve Summons and Complaint (Dkt. #31) is  
12 GRANTED.
  - 13 3. Plaintiff shall have an additional 90 days from the date of this Order to properly serve  
14 Defendants.

15 DATED this 2<sup>nd</sup> day of January 2019.

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18 RICARDO S. MARTINEZ  
19 CHIEF UNITED STATES DISTRICT JUDGE  
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